

Applic. No. 09/848,583  
Amdt. dated April 28, 2008  
Reply to Office action of January 28, 2008

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Drawing Amendments

The attached sheet of drawings includes changes to Fig. 2.  
This sheet which includes Fig. 2, replaces the original sheet including Fig. 2. In Fig. 3, previously omitted line to the second knife "13" was added.

Please approve the drawing changes that are marked in red on the accompanying "Annotated Sheet Showing Changes" of Fig. 2. A formal "Replacement Sheet" of amended Fig. 2 is also enclosed.

Attachments: Replacement Sheet  
Annotated Sheet Showing Changes

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Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-4, 6-11, and 12-14 remain in the application. Claim 1 has been amended. Claims 5, 12, and 13 were previously cancelled. Claim 11 has been withdrawn from consideration.

In item 1 on page 2 of the Office action the Examiner objects to the amendment filed August 14, 2007 is objected to under 35 U.S.C. § 132(a) because it introduces new matter into the disclosure.

The Examiner alleges that the added material which is not supported by the original disclosure is the labeling of the knife of the first cutting station with the number "3". The Examiner further alleges that it is unclear how the first cutting station knife interacts with knife 13.

It is respectfully noted that each knife 3 has a respective cooperating knife 13.

Fig. 2 has been amended to label the second knife 13, which is explicitly shown in Fig. 2. In accordance therewith, the

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specification has been amended so as to correct the typographical error pertaining to the knife 13. Particularly, the specification now reads "knives 13". The amendment to the specification is fully supported by the specification and the drawings. Particularly, by the fact that in Fig. 2, there are two knives 13 shown.

Support for this change is also found on page 1 of the specification, where it is disclosed that the products (to be cut) taken over from the transport system are transported to front stops and aligned. Then, the cutting device performs the three-sided trim-off. On page 2 of the specification, it is disclosed that the three-sided trimming is performed in individual steps. The front cut (by the knife perpendicular to the cutting direction, that knife 3 for which the reference numeral 3 was added in Fig. 1 in the amendment of August 9, 2007) is made in a first cutting station with the transport system stopped. The product is then fed by the transport system to a second cutting station. The top and bottom trim (by the two knives 3 parallel to the transport direction shown in Figs. 1 and 2) are then also performed while the transport system is stopped. Finally, the product, thus trimmed on three sides is transported to the delivery.

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It necessarily follows that since all the knives 3 are cutting the same product in the same manner, that all three of the knives 3 are the same (except for orientation thereof) and that each knife 3 cooperates with a respective counter knife 13. It is respectfully noted that this well with the capability of a person of ordinary skill in the art to understand. Furthermore, it is noted that the knife 13 which would correspond to the knife 3 added in the amendment dated August 9, 2007, is not seen due to the direction of the view.

In item 2 on page 2 of the above-identified Office action, claims 1-4, 6-11, and 14 have been rejected as failing to comply with the enablement requirement under 35 U.S.C. § 112.

More specifically, the Examiner has alleges that the specification provides no support on how the newly labeled blade interacts with knives 13. It is respectfully noted that as seen from the above-given remarks, each knife 3 cooperates with its own respective knife 13. Therefore, a person of ordinary skill in the art to which it pertains would be fully enabled to make and use the invention as claimed.

Accordingly, the claims to meet the enablement requirement of 35 U.S.C. § 112, first paragraph. Therefore, the claims have not been amended to overcome the rejection. Should the

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Examiner disagree it is kindly requested that the Examiner call undersigned so that this matter can be resolved.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

In item 3 on page 2 of the above-identified Office action, claims 1-4, 6, 7, and 10 have been rejected as being obvious over Ito (US 4,922,773) in view of Besemann (U.S. Patent No. 4,523,502) and in view of Boss (U.S. Patent No. 6,536,319 B1) under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 4, lines 2-7, page 7, line 22 to page 8, line 18 and page 11, lines 16-26 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

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Claim 1 calls for, *inter alia*:

the control system configured for controlling the first drive to set an impact speed of the products at the front stops as a function of product format.

The Ito reference discloses a three-side cutting apparatus. Ito discloses a single cutting position where all three sides are cut (column 8, lines 15-25). Ito does not disclose front stops. Accordingly, Ito does not disclose a control system configured for controlling a first drive to set an impact speed of products at the front stops as a function of product format.

The Besemann reference discloses an apparatus for accumulating stacks of paper sheets, which has a cross cutter. Besemann discloses the cutting of a web that is drawn off of a reel and does not pertain to the cutting of books. Besemann does not disclose multiple cutting stations for a product. Besemann does not disclose front stops. Accordingly, Besemann does not disclose a control system configured for controlling a first drive to set an impact speed of products at the front stops as a function of product format.

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The Boss reference discloses a cutting machine for trimming printed products such as books. Boss discloses rear stops (40 and 41) for orientation of the products (21) in the cutting position. Boss does not disclose a control system configured for controlling a drive to set an impact speed of products at the front stops as a function of product format.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

As seen from the above-given remarks, the references do not show or suggest the control system configured for controlling the first drive to set an impact speed of the products at the front stops as a function of product format, as recited in claim 1 of the instant application.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it there is no *prima facie* case of obviousness.

In item 6 on page 6 of the above-identified Office action, claims 8 and 9 have been rejected as being obvious over Ito (US 4,922,773) in view of Besemann (U.S. Patent No. 4,523,502) and in view of Boss (U.S. Patent No. 6,536,319 B1) and further

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in view of Canon et al. (U.S. Patent No. 4,553,080)  
(hereinafter "Canon") under 35 U.S.C. § 103. Canon does not  
make up for the deficiencies of Ito, Besemann, and Boss.  
Since claim 1 is allowable, dependent claims 8 and 9 are  
allowable as well.

It is accordingly believed to be clear that none of the  
references, whether taken alone or in any combination, either  
show or suggest the features of claim 1. Claim 1 is,  
therefore, believed to be patentable over the art and since  
all of the dependent claims are ultimately dependent on claim  
1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of  
claims 1-4, 6-11, and 12-14 are solicited.

In the event the Examiner should still find any of the claims  
to be unpatentable, counsel respectfully requests a telephone  
call so that, if possible, patentable language can be worked  
out.

If an extension of time for this paper is required, petition  
for extension is herewith made.

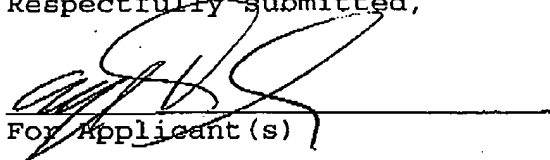


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Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner  
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

  
\_\_\_\_\_  
For Applicant(s)

AKD:cgm

April 28, 2008

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Annotated Sheet

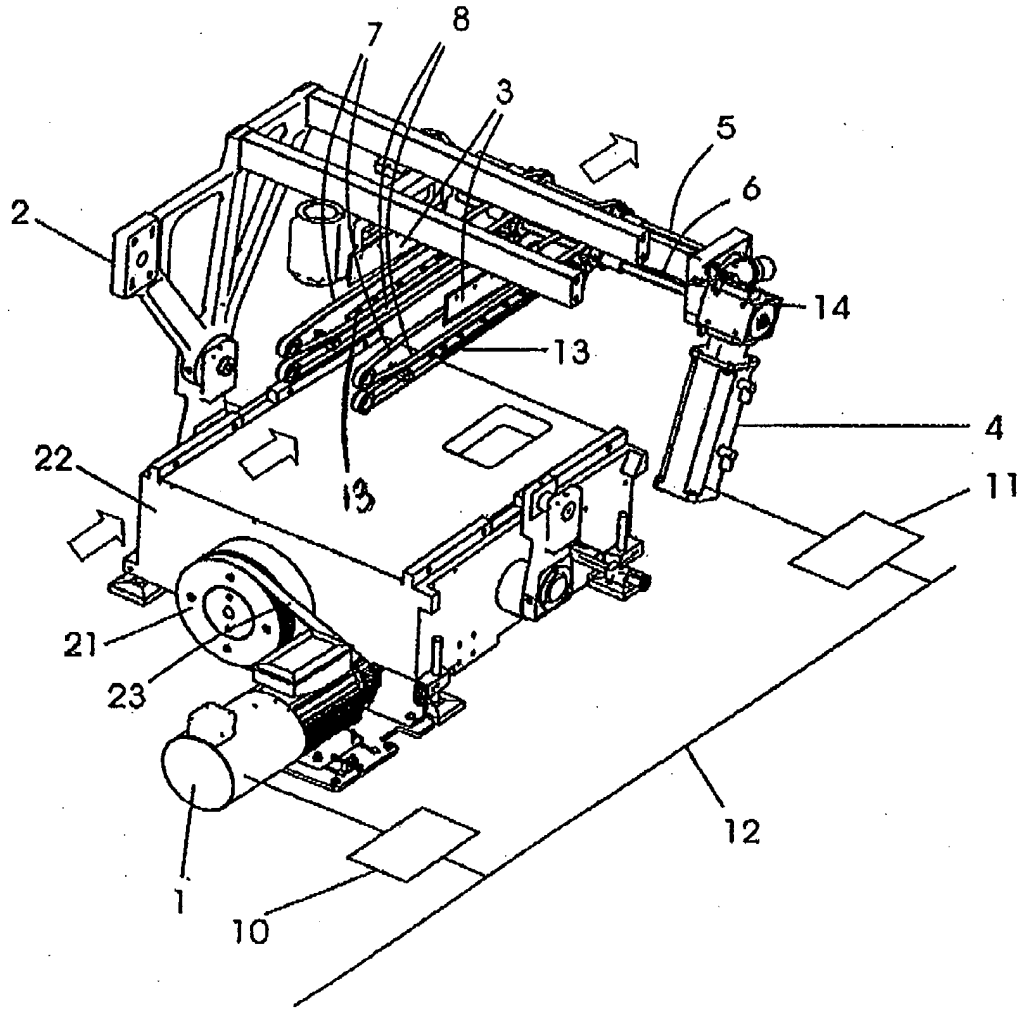


Fig.2